

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-13 are currently pending. Claims 1, 5, 6, 12 and 13 have been amended. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 12 and 13 were objected to, Claim 5 was rejected under 35 U.S.C. 112, second paragraph, and Claims 1-10, 12, and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,671,509 to Tanaka (hereinafter “the ‘509 patent”).

The ‘509 patent describes a communication system in which a base station transmits system software to a mobile communication unit via radio, and the mobile communication unit performs communication processing according to the system software received via radio. In the ‘509 patent, the communication software is always transmitted from a base station to a mobile station, and not *vice versa*. Thus, there is no teaching or suggestion within the ‘509 patent of identifying which one of the two radio stations is not equipped with the desired communication software.

In amended Claim 1, on the other hand, one of the radio stations that is not equipped with software of a relevant radio communication method is identified, and the software of this radio communication method is transmitted to the identified one of the two radio stations from the other one of the two radio stations.

To further clarify the features of Claim 1, Claim 1 is amended to include the feature that which of the two radio stations identified as a result of the identifying step varies in response to exchanged information about one or more radio communication methods. Since the ‘509 patent system operates under the premise that the base station always has necessary

software, and that communication software is always transmitted from the base station to a mobile station, the '509 patent neither teaches nor suggests the claimed feature that which one of the two radio stations is identified as a result of the identifying step varies in response to the exchanged information about one or more radio communication methods.

Therefore, amended Claim 1 patentably defines over the '509 patent. Although of differing statutory class of scope, it is respectfully submitted that Claims 2-13, as amended also patentably define over the asserted prior art for substantially the same reasons as amended Claim 1.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)



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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

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